



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2457 FAX (603) 271-7894



Mr. Craig Lawry
Comfort Inn at Yokens
1390 Lafayette Rd
Portsmouth, New Hampshire 03801

LETTER OF DEFICIENCY
WMB PBF 03-19
May 20, 2003

Dear Mr. Lawry

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On May 14, 2003, DES inspected the following public bathing facilities at the Comfort Inn at Yokens, in Portsmouth, NH: the indoor pool ("Pool") and spa ("Spa"). During this inspection, the following deficiencies were noted:

A recommendation to super chlorinate the Pool was issued on May 15, 2003. The inspection on May 14, 2003 revealed that the Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violation was observed in the Pool water:

- a. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Pool water contained greater than 200 CTS/100mL.

A recommendation to drain and disinfect the Spa was issued on May 15, 2003. The inspection on May 14, 2003 revealed that the Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Spa water:

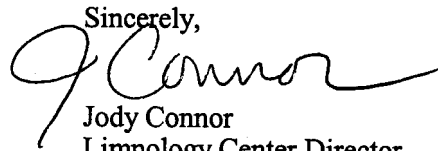
- a. Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Spa water contained greater than 50,000 cfu/mL.
 - b. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Spa water contained greater than 200 CTS/100mL, confluent growth.
3. Env-Ws 1103.16(e) requires a bromine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L bromine. The bromine concentration of the Spa water was 0.3 mg/L on May 14, 2003.
 4. Env-Ws 1103.16(f) requires a pH between 7.0 and 7.8 in public spa water. The pH of the Spa water was 8.0 on May 14, 2003.
 5. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. Water quality records were not up to date at the time of the inspection relative to the required testing of the Pool and Spa water.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following a copy of two weeks of water quality test results for all facilities (please do not send originals)

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DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

Jody Connor
Limnology Center Director

Certified Mail #7000 1670 0000 0585 9725

cc: Mark Harbaugh, Enforcement Attorney, DES ✓
Amy Wilson, Public Bathing Facility Coordinator, DES
Odyssias Athanasiou, Health Officer, City of Portsmouth

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